

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BILLIE JOE CHAPMAN,)	8:15CV259
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
CHIEF EXECUTIVE OFFICER, (John)	
Doe), JOHN DOE 2, Booking Officers,)	
JOHN DOE 3, JOHN DOE 4, and)	
JANE DOE 5,)	
)	
Defendants.)	

This matter is before the court on its own motion. On July 20, 2015, the court required Plaintiff Billie Joe Chapman to show cause why he is entitled to proceed in forma pauperis in this action. (See Filing No. [6](#).) The court determined that the following cases were brought by Chapman and dismissed as frivolous or for failure to state a claim: *Chapman v. Baldwin*, No. 4:14-cv-00065-REL (S.D.Iowa July 3, 2014) (dismissed as frivolous); *Chapman v. McKinney, et al.*, No. 1:14-cv-00028-EJM (N.D. Iowa Aug. 25, 2014) (dismissed on statute of limitations grounds); and *Chapman v. Parry-Jones, et al.*, No. 1:14-cv-00109-EJM (N.D. Iowa Nov. 4, 2014) (dismissed on statute of limitations grounds).¹

Chapman responded to the court's order on August 3, 2015. Chapman argues he should be allowed to proceed in forma pauperis in this action because he suffered emotional and physical injuries when he was arrested and incarcerated in a Douglas County jail in 2010. Chapman complains solely about past alleged harms and his allegations do not support a finding that Chapman is "under imminent danger of serious physical injury." [28 U.S.C. § 1915\(g\)](#) ("In no event shall a prisoner bring a civil

¹In its prior order the court also included an additional case that was dismissed as frivolous in the Southern District of Iowa, *Chapman v. Craig, et al.*, but the court mistakenly included the wrong case number. (See Filing No. [6 at CM/ECF p. 2](#).) The correct citation for the case is *Chapman v. Craig, et. al.*, 4:14-cv-00069-REL (S.D.Iowa July 3, 2014) (dismissed as frivolous).

action . . . if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action . . . that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under *imminent danger of serious physical injury*.”) (emphasis added). Accordingly,

IT IS THEREFORE ORDERED that:

1. Chapman’s Motion for Leave to Proceed in Forma Pauperis (Filing No. [8](#)) is denied.
2. Chapman’s Motion to Appoint Counsel (Filing No. [2](#)) is denied as moot.
3. The clerk of the court is directed to add the following docket text to Filing Number 6: Per the court’s Memorandum and Order dismissing this case, the correct citation for *Chapman v. Craig, et al.* is 4:14-cv-00069-REL (S.D.Iowa July 3, 2014).
4. This case is dismissed and a separate judgment will be entered in accordance with this Memorandum and Order.
5. Any notice of appeal filed by Chapman must be accompanied by the \$505.00 appellate filing fee because Chapman will not be allowed to proceed in forma pauperis on appeal.

DATED this 19th day of August, 2015.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge

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